

# OPTIMUS

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Our Ref: 16045  
Your Ref: GB 0323145.3

23 November 2005

Dear Sirs

**Re: Patent Application GB 0323145.3 in the name of Sendo International Limited.**

In response to the Combined Search and Examination Report under section 17 and section 18(3) dated 31 March 2005; the Applicant requests a 2-month extension as of right to respond to the Report. We have amended the Claims of this specification, as follows:

**Amendments**

The Claims of this specification have been amended as follows:

- The feature of the “application program being activated in response to the self-registration function” has been incorporated from Claim 2 into Claim 1 and Claim 16 (re-numbered from Claim 17).
- Claim 2 has been deleted, with subsequent Claims and their dependencies re-numbered accordingly.
- Claim 2 (re-numbered from Claim 3) has been amended to clarify that the application program can be activated prior to the transmission of the registration data.
- The optional (example) aspect of Claim 6 (re-numbered from Claim 7) has been removed.
- Claim 13 (re-numbered from Claim 14) has been amended to remove the “telephone number or contact code of the registration server being available to the midlet”, as this feature is not essential to the novel and inventive concept of self-registration and informing a remote server of the self registration.
- Similarly, Claim 13 (re-numbered from Claim 14) has been amended to remove the “storing a record of the registration into the RMS of the device”, as this feature is not essential to the novel and inventive concept of self-registration and informing a remote server of the self registration.
- Claim 16 has been amended to be consistent with Claim 1, with respect to the
- The optional (example) aspect of Claim 16 (re-numbered from Claim 17) has been removed to form new Claim 17.
- A number of minor clarifying amendments have been effected to Claims 1, 3, 13, 14

All other claims, i.e. Claims 22-24 remain unamended.

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Furthermore, we have amended the Statement of Invention on pages 3 and 4 to comply with the Claims as amended.

The reference to Java at various locations in the Specification has been acknowledged as a registered Trade Mark.

The reference to an alternative embodiment on pages 15 and 16 has been deleted without prejudice.

Furthermore, the Applicant is of the opinion that the application has not been amended in such a way that it contains subject matter that extends beyond the content of the application as filed.

We enclose in duplicate amended pages 3-5, 15, 16 and 19 to 24 of the specification and Claims to replace the corresponding pages on file. For the assistance of the Examiner, an additional copy of the amended pages is enclosed, highlighting the amendments made to the Claims and Specification. Would you please substitute the amended pages for the corresponding pages currently on file?

#### **Observations regarding Patentability**

In response to the Combined Search and Examination Report, and in an attempt to better highlight the novel and inventive concept of the present invention, the Applicant believes that it is first worth summarising the teaching of the citations.

- (i) PCT Patent Application – WO 00/75760 – discloses a system for preventing unauthorized use of software. Software is supplied to end users in locked format that requires successful registration before the software can be used. The registration details may include a unique serial number of a user device and a serial number of the software program, and are supplied by a ‘transferor’ to a registrar for storage.
- (ii) CA Patent – 2231978 –discloses a system for tracking illegal use of software loaded upon a computer where two registration files are created in a recipient computer during the installation of software. Upon execution of the software program the code searches for the two registration files and compares both files. If the files are identical, no action is taken. However, if the files are different, computer identification information is emailed to a registration server. As such, CA 2231978 is directed towards the tracking of software use and does not disclose the activation of software.
- (iii) PCT Patent Application – WO 01/38989 – discloses a system for monitoring the use of software where the relevant software is arranged to automatically transmit identifier data through a communication network to allow the monitoring of the use of the software. As such, ‘989 is directed towards the monitoring of software and does not disclose the activation of software.

- (iv) US Patent Application – US 2003/0110375 – discloses a system for reducing unauthorized use of software where software is supplied to end users in locked format and which requires successful registration before a key is provided to the user to allow the software to be unlocked.
- (v) US Patent – US 4 796 220 – discloses a system for reducing unauthorized use of software in which a permission code is provided by central computer upon registration to allow execution of the program.

It is respectfully submitted that none of the citations disclose an application program registration process applied to a wireless information device in which the registration process involves a self-registration function (i.e. automatic) as well as activation of the application program in response to the self-registration function. Consequently, each of amended Claims 1, 13, 14 and 16 is novel over each of the cited documents.

Thus, the prior art can be broken down into two principle categories:

(1) the registration and activation of locked software, in which a 'key' is required from a server/central computer to unlock the software following registration; and

(2) registration information is provided from a computing device to a server/central computer for the purpose of monitoring the use of software, in which activation of the software is not required.

It is respectfully submitted that none of the citations disclose or suggest employing a self-registration function in the wireless information device, which activates the Application program (e.g. if authorised) and at the same time informs a remote server that the Application program has been activated.

This novel concept is clearly different to all of the cited prior art documents in which activation is either not required, or involves the issuing of a 'key' from a third party. Further, it is respectfully submitted that a person skilled in the art would not modify the prior art documents relating to the use of a 'key' to activate a program as this would not prevent unauthorized use - a significant benefit provided by the claimed present invention. In addition, a person skilled in the art would not modify the prior art documents relating to programs that do not require activation as the purpose behind these disclosures is to monitor the use of software and not to the activation of software.

Therefore, it is respectfully submitted that an invention in accordance with amended claims 1, 13, 14 and 16 is not disclosed in any of the cited documents, nor can all the features of claims 1, 13, 14 and 16 be derived from any reasonable combination of the features disclosed in the documents in isolation or, in combination with each other and/or in combination with the known prior art. As such, Claims 1, 13, 14 and 16 and any Claim dependent thereon are both novel and inventive with regard to the prior art.

It is submitted that the amended specification and Claims, address all of the Examiner's objections set forth in the examination letter.

In conclusion, it is submitted that the application satisfies the requirements of the Act and Rules and that the application should be allowed. Should the Examiner disagree, a further written communication, or an informal interview if appropriate, is requested.

Thank you for your assistance. If you have any questions, please contact our Mr Wray.

Yours faithfully

**A. J. Wray**  
**European Patent Attorney**  
**Optimus**  
Agent for the Applicant

Encl.